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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/867,382	05/31/2001	John F. Shanley	032304-020	7984	
7590 ' 03/15/2004			EXAMINER		
James W. Peterson			MENDEZ, MANUEL A		
BURNS, DOAN	IE, SWECKER & MATH				
P.O. Box 1404			ART UNIT	PAPER NUMBER	
Alexandria, VA 22313-1404			3763	12	
			DATE MAILED: 03/15/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary		Application No.	Applicant(s)	/			
		09/867,382	SHANLEY, JOH	HN #./			
		Examiner	Art Unit	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \			
		Manuel Mendez	3763				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SH THE - Exter after - If the - Failu Any	ORTENED STATUTORY PERIOD FOR REPL MAILING DATE OF THIS COMMUNICATION. Insions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailting date of this communication. In period for reply specified above is less than thirty (30) days, a reply precide for reply is specified above, the maximum statutory period or to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however ly within the statutory minimu will apply and will expire SIX a. cause the application to be	, may a reply be timely filed im of thirty (30) days will be considered ti (6) MONTHS from the mailing date of thi come ABANDONED (35 U.S.C. § 133).	mely. s communication.			
Status							
1)	Responsive to communication(s) filed on						
2a)□	,	s action is non-final.					
3)□							
	closed in accordance with the practice under t	Ex parte Quayle, 19	35 C.D. 11, 453 O.G. 213.				
Disposit	ion of Claims						
5)⊠ 6)⊠ 7)□	Claim(s) <u>9-14 and 23-27</u> is/are pending in the 4a) Of the above claim(s) is/are withdra Claim(s) <u>9-14</u> is/are allowed. Claim(s) <u>23-27</u> is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and/o	awn from considerati					
Applicat	ion Papers						
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority	under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
2) Noti 3) Info Pap	nt(s) ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) rmation Disclosure Statement(s) (PTO-1449 or PTO/SB/08 er No(s)/Mail Date <u>8</u> .	P 5) 🔲 N	terview Summary (PTO-413) aper No(s)/Mail Date otice of Informal Patent Application (ther:	(PTO-152)			

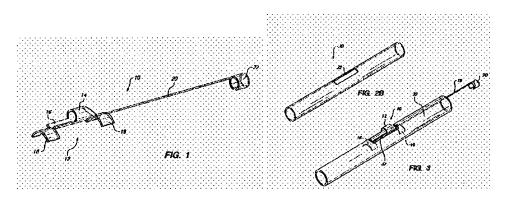
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DETAILED ACTION

The results of a secondary search produced prior art that is considered pertinent to the prosecution of this case. Accordingly, the examiner of record presents the following rejections.

Allowable Subject Matter

Claims 9-14 are allowable over the prior art of record. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose or suggest a guide loop for receiving a guidewire, means for securing the guide loop to a catheter; and at least one tab extending from the guide loop for holding the guide loop in position (see figures 1-3).



Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

⁽b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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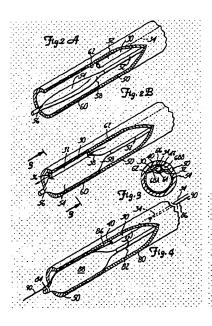
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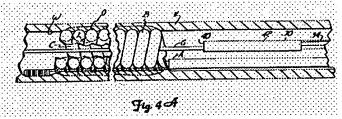
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Cox.





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The Cox Patent shows in the figures above, a catheter with an inflatable balloon, a guide member, and a branch lumen guidewire extending along an exterior of the balloon and longitudinally slidable in the guide member.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox in view of Wilson, Solar, and Ndondo-Lay et al. After a careful review of the claim language in the claims in question, the examiner notes that applicant have not provided an structural description of his system, and more importantly, a full description of the structural relationships between the various elements in the system. As stated above, the secondary search produced relevant art to reject claims 24-27. Examiner respectfully request applicant to expand the structural description in view of the above rejections and the following section 103 rejection.

The Cox patent does not disclose a fastener connected to the catheter.

However, the use of a fastener or fasteners in combination with a catheter is conventional in the art as evidenced by the teachings of Wilson, Solar, and Ndondo-Lay et al. These patents disclose different loop/fastener designs used for the same purpose as applicant's invention. Moreover, the loop/fastener enhancements taught by the cited

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patents could improve catheter designs by providing more accuracy in surgical procedures. Accordingly, for a person of ordinary skill in the art, the modification of the Cox catheter with the various loop/fastener designs as taught by Wilson, Solar, and Ndondo-Lay et al., would have been considered obvious design alternatives.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel Mendez whose telephone number is 703-308-2221. The examiner can normally be reached on 0730-1800 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Brian Casler can be reached on 703-308-3552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manuel Mendez

Primary Examiner

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